

110TH CONGRESS
2D SESSION

H. R. 6934

To amend and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2008

Ms. SOLIS introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Juvenile Justice Re-
5 form Act of 2008”.

6 **SEC. 2. DEFINITIONS.**

7 Section 103 of the Juvenile Justice and Delinquency
8 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

9 (1) by amending paragraph (25) to read as fol-

10 lows:

1 “(25) the term ‘contact’ means any sight or
2 sound interaction between a juvenile in a secure cus-
3 tody status with an adult inmate;”,

4 (2) in paragraph (28) by striking “and” at the
5 end,

6 (3) in paragraph (29) by adding “and” at the
7 end, and

8 (4) by adding at the end the following:

9 “(30) the term ‘juvenile justice stakeholders’
10 means individuals and representatives of agencies,
11 institutions, and organizations with interest in the
12 activities and outcomes of the juvenile justice sys-
13 tem, including—

14 “(A) youth and family members of youth
15 who have had contact with the juvenile justice
16 system;

17 “(B) youth and families of color;

18 “(C) defense attorneys for youth, prosecu-
19 tors for the juvenile court, and juvenile court
20 judges; and

21 “(D) representatives of school systems, law
22 enforcement agencies, juvenile detention and
23 corrections, juvenile probation departments, and
24 community-based providers of gender-specific

1 services and services to youth of color and juve-
2 nile justice-involved youth.”.

3 **SEC. 3. ANNUAL REPORT.**

4 Section 207(1) of the Juvenile Justice and Delin-
5 quency Prevention Act of 1974 (42 U.S.C. 5617(1)) is
6 amended—

7 (1) in subparagraph (B) by inserting “, eth-
8 nicity,” after “race”,

9 (2) in subparagraph (E) by striking “and” at
10 the end,

11 (3) in subparagraph (F) by striking the period
12 at the end and inserting “; and”, and

13 (4) by adding at the end the following:

14 “(G) how State plans are meeting the re-
15 quirement under section 223(a)(7)(B)(i).”.

16 **SEC. 4. STATE PLANS.**

17 Section 223(a) of the Juvenile Justice and Delin-
18 quency Prevention Act of 1974 (42 U.S.C. 5633(a)) is
19 amended—

20 (1) in paragraph (3)(A)(ii)—

21 (A) in subclause (VII) by striking “and” at
22 the end,

23 (B) in subclause (VIII) by adding “and”
24 at the end, and

25 (C) by adding at the end the following:

1 “(IX) individuals with special ex-
2 perience or competence in addressing
3 the needs of girls or implementing
4 gender responsive services;”,

5 (2) in paragraph (7)(B)—

6 (A) in clause (iii) by striking “and” at the
7 end,

8 (B) in clause (iv) by adding “and” at the
9 end, and

10 (C) by adding at the end the following:

11 “(v) a plan for providing easily acces-
12 sible, community-based and operated, cul-
13 turally and linguistically appropriate serv-
14 ices to youth at-risk or in contact with the
15 juvenile justice system;”,

16 (3) in paragraph (11)—

17 (A) by striking “shall,”

18 (B) in subparagraph (A)—

19 (i) in clause (i) by striking the semi-
20 colon at the end,

21 (ii) by striking “excluding—” and all
22 that follows through “(i)” and inserting
23 “excluding”,

24 (iii) by striking clauses (ii) and (iii),
25 and

1 (iv) by striking “and” at the end, and
2 (C) by adding at the end the following:

3 “(C) not later than 3 years after the effec-
4 tive date of this subparagraph, or sooner if pos-
5 sible, no exceptions to this paragraph shall be
6 permissible in relation to—

7 “(i) juveniles who are charged with or
8 who have committed a violation of a valid
9 court order; and

10 “(ii) juveniles who are held in accord-
11 ance with the Interstate Compact on Juve-
12 niles as enacted by the State; and

13 “(D) efforts shall be made to care safely
14 for juveniles described in subparagraphs (A)
15 and (B) by utilizing staff-secure and other com-
16 munity-based alternatives to secure detention,
17 including the Runaway and Homeless Youth
18 Act programs administered by the Family and
19 Youth Services Bureau of the Administration
20 for Children and Families of the Department of
21 Health and Human Services;”,

22 (4) in paragraph (12)—

23 (A) in subparagraph (A) by striking “and”
24 at the end,

1 (B) in subparagraph (B) by adding “and”
2 at the end, and

3 (C) by adding at the end the following:

4 “(C) not later than 3 years after the effec-
5 tive date of this provision, or sooner if possible,
6 juveniles awaiting trial or any other legal proc-
7 ess and who are treated as adults for purposes
8 of prosecution in criminal court shall not have
9 contact with adult inmates when held in the
10 custody of the criminal court;”,

11 (5) in paragraph (13)—

12 (A) by inserting after “adults” the 1st
13 place it appears the following:

14 “, and provide that not later than 3 years after the
15 effective date of this bill, or sooner if possible, juve-
16 niles treated as adults for purposes of prosecution in
17 criminal court and juveniles prosecuted as adults in
18 criminal court may not be held in any jail or lockup
19 for adults while awaiting trial on a criminal
20 charge,”, and

21 (B) in subparagraph (A) by adding “and”
22 at the end,

23 (6) in paragraph (15) by inserting “ethnicity,”
24 after “race,”,

25 (7) by striking paragraphs (22) and (23),

1 (8) by redesignating paragraphs (14) through
2 (28) as paragraphs (15) through (27), respectively,
3 and

4 (9) by after paragraph (13) the following:

5 “(14) implement policy, practice, and system
6 improvement strategies at the State, territorial,
7 local, and tribal levels to identify and reduce racial
8 and ethnic disparities among youth who come into
9 contact with the juvenile justice system by—

10 “(A) establishing coordinating bodies to
11 oversee and monitor State, territorial, local, or
12 tribal efforts to reduce racial and ethnic dis-
13 parities, composed of juvenile justice stake-
14 holders at the State, territorial, local, or tribal
15 levels, including community leaders and service
16 providers from communities in which youth of
17 color are disproportionately represented in the
18 juvenile justice system;

19 “(B) identifying and analyzing key decision
20 points, and the criteria used to make those de-
21 cisions, in State, territorial, local, or tribal juve-
22 nile justice systems, to determine which points
23 create racial and ethnic disparities among juve-
24 niles who come into contact with the juvenile

1 justice system and the causes of those dispari-
2 ties;

3 “(C) developing and implementing State,
4 territorial, local, or tribal data collection and
5 analysis systems to identify where racial and
6 ethnic disparities exist in the juvenile justice
7 system and to track and analyze such dispari-
8 ties using descriptors disaggregated, as appro-
9 priate, by factors including race, ethnicity, sex,
10 geography, offense, delinquency history, and
11 age;

12 “(D) developing and implementing a work
13 plan that includes measurable objectives for pol-
14 icy changes, practice changes or other system
15 changes, based on the needs identified in the
16 data collection and analysis under subpara-
17 graph (B) and designed to reduce any forms of
18 bias, differential treatment of youth of color or
19 disparities found to be associated with race and
20 ethnicity, including provision of culturally and
21 linguistically competent services; and

22 “(E) tracking and publicly reporting, on
23 an annual basis, the efforts and progress made
24 in accordance with subparagraphs (B), (C), and
25 (D).”.

1 **SEC. 5. RESEARCH AND EVALUATION.**

2 Section 251 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5661) is amended—

4 (1) in subsection (a)(1)(B) by—

5 (A) in clause (x) by striking “and” at the
6 end,

7 (B) in clause (xi) by striking the period at
8 the end and inserting “; and”, and

9 (C) by adding at the end the following:

10 “(xii) juveniles treated as adults for pur-
11 poses of prosecution in criminal court.”, and

12 (2) by adding at the end the following:

13 “(f) ASSESSMENT OF TREATING JUVENILES AS
14 ADULTS.—The Administrator shall—

15 “(1) not later than 3 years after the effective
16 date this subsection, assess the effectiveness of the
17 practice of treating juveniles as adults for purposes
18 of prosecution in criminal court; and

19 “(2) not later than 6 months after making the
20 assessment required by paragraph (1)—

21 “(A) submit to the Speaker of the House
22 of Representatives, the Speaker pro tempore of
23 the Senate, and the President a report con-
24 taining the findings, conclusions, and any rec-
25 ommended changes in law identified as a result
26 of such assessment; and

1 “(B) make such report available to the
2 public.”.

3 **SEC. 6. INCENTIVE GRANTS FOR LOCAL DELINQUENCY**
4 **PREVENTIONS PROGRAMS.**

5 Section 504(a) of the Incentive Grants for Local De-
6 linquency Prevention Programs Act of 2002 (42 U.S.C.
7 5784(a)) is amended—

8 (1) in paragraph (7) by striking “and” at the
9 end,

10 (2) by redesignating paragraph (8) as para-
11 graph (9), and

12 (3) by inserting the following after paragraph
13 (7) the following:

14 “(8) gender specific services that address the
15 above purpose areas; and”.

16 **SEC. 7. EFFECTIVE DATE.**

17 This Act and the amendments made by this Act shall
18 take effect on the 1st day of the 1st fiscal year that begins
19 after the date of the enactment of this Act.

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